

**UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
PLANT PROTECTION AND QUARANTINE**

**§319.41 Indian Corn or Maize, Broomcorn,
and Other Related Plants**

Title 7--Agriculture

**CHAPTER III--Animal and Plant
Health Inspection Service**

PART 319 FOREIGN QUARANTINE NOTICES

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Subpart--Indian Corn or Mazie, Broomcorn, and Related Plants - Quarantine

§319.41 Notice of quarantine.

(a) The fact has been determined by the Secretary of Agriculture, and notice given, that dangerous plant pests, including the so-called European corn borer (*Ostrinia nubilalis* Hubn.) and also dangerous insects, as well as plant diseases not heretofore widely prevalent or distributed within and throughout the United States, exist as to one or more of such pests in Europe, Asia, Africa, Dominion of Canada, Mexico, Central and South America, and other foreign countries and localities, and may be introduced into this country through importations of the stalks or other parts of Indian corn or maize, broomcorn, and related plants.

(b) The Secretary of Agriculture, under the authority conferred by the act of Congress approved August 20, 1912, known as the Plant Quarantine Act (37 Stat. 315; 7 U.S.C. 151167), determined that it was necessary in order to prevent the further introduction of the dangerous plant pests mentioned above to forbid except as provided in the rules and regulations supplemental hereto the importation into the United States from all foreign countries and localities of the stalk and all other parts, whether used for packing or other purposes in the raw or unmanufactured state of Indian corn or maize (*Zea mays* L.) broomcorn (*Andropogon sorghum* var. *technicus*), sweet sorghums (*Andropogon sorghum*), grain sorghums (*Andropogon sorghum*), Sudan grass (*Andropogon sorghum sudanensis*), Johnson grass (*Andropogon halepensis*), sugarcane (*Saccharum officinarum*), including Japanese varieties, pearl millet (*Pennisetum glaucum*), napier grass (*Pennisetum purpureum*), teosinte (*Euchlaena luxurians*), and job-tears (*Coix lachryma-Jobi*).

(c) Hereafter and until further notice by virtue of said act of Congress approved August 20, 1912, the importation into the United States of the stalk and all other parts of the plants enumerated above from all foreign countries and localities except as provided in the rules and regulations supplemental hereto is prohibited: Provided that whenever the Deputy Administrator of the Plant Protection and Quarantine Programs shall find that existing conditions as to pest risk involved in the importation of the articles to which the regulations supplemental hereto apply make it safe to modify by making less stringent the restrictions contained in any of such regulations, he shall publish such findings in administrative instructions specifying the manner in which the regulations shall be made less stringent, whereupon such modification shall become effective or he may when the public interests will permit with respect to the importation of such articles into Guam upon request in specific cases authorize such importation under conditions specified in the permit to carry out the purposes of this subpart that are less stringent than those contained in the regulations.

(d) As used in this subpart, unless the context otherwise requires the term "United States" means the States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands of the United States.

§319.41a Administrative instructions relating to entry into Guam of broomcorn, brooms, and similar articles.

(a) Broomcorn for manufacturing purposes and brooms and similar articles made of broomcorn may be imported into Guam without further permit, other than the authorization contained in this section and without other restriction under this subpart. Notice of arrival for such importations is not necessary in as much as there is available to the inspector the essential information normally supplied by the importer at time of importation. Inspection of such importations may be made under the general authority of §330.105(a) of this chapter. If an importation is found infected, infested, or contaminated with any plant pest and is not subject to disposal under this Part 319, disposition may be made in accordance with §330.106 of this chapter.

(b) Shelled corn and seeds of other plants listed in §319.41 and mature corn on the cob may be imported into Guam without further permit, other than the authorization contained in this section and without other restriction under this subpart, but such importations are subject to the requirements of §319.37-4(a).

(c) Green corn on the cob may be imported into Guam without restriction under this subpart, but such importations are subject to the requirements of §319.56-2.

§319.41b Administrative instructions prescribing conditions for entry of broomstraw without treatment.

Broomstraw, sometimes referred to as "combed stalkless" when consisting of individual straws entirely free from stems, stalks, stubs of stalks, and leaves may be imported from all countries without seasonal limitation through ports of entry designated in the permit provided it is banded and baled to prevent breakage and scattering and to facilitate inspection in the following manner:

(a) The broomstraw shall be assembled into bundles with the base of the individual straws at the same end, no alternating of layers being permitted.

(b) Each bundle shall be securely tied to prevent breakage.

(c) Individual bundles shall be compacted, grouped into bales, and so arranged that the butt of each bundle is exposed on the outside of the bale.

(d) Each bale shall be securely bound to prevent shifting or loosening of the bundles in transit.

(e) Broomstraw found upon inspection at the port of entry to contain stems, stalks, stubs of stalks, or leaves,

shall be sterilized under the supervision of an inspector. Broomstraw contaminated in the aforesaid manner from countries other than those on the North or South American Continents or the West Indies, shall be considered as broomcorn and shall be subject to compliance with §319.41-3(b).

Subpart—Indian Corn or Maize, Broomcorn, and Related Plants -Rules and Regulations

§319.41-1 Plant products permitted entry.¹

Except as restricted from certain countries and localities by special quarantines and other orders now in force,² and by such as may hereafter be promulgated the following articles may be imported.

(a) Subject only to the requirements of paragraphs (a), (b), and (c) of §319.41-5:

(1) Green corn on the cob, in small lots for local use only, from adjacent areas of Canada.

(2) Articles made of the stalks, leaves, or cobs of corn when prepared, manufactured, or processed in such manner that in the judgment of the inspector no pest risk is involved in their entry.

(3) Corn silk.

(b) Upon compliance with the regulations in this subpart:

(1) Broomcorn for manufacturing purposes, brooms or similar articles made of broomcorn, clean shelled corn, and clean seed of the other plants covered by §319.41.

(2) corn on the cob, green or mature, from the provinces of Canada, west of and including Manitoba³, and from Mexico, Central America, South America, the West Indies, Bahamas, and Bermuda.

§319.41-2 Application for permits.

(a) Persons contemplating the importation of any of the articles specified in §319.41-1(b) shall first make application to the Plant Protection and Quarantine Programs for a permit stating in the application the name and address of the exporter, the country and locality where grown, the port of arrival, and the name and address of the importer in the United States to whom the permit should be sent. Unless otherwise stated in the permit, all permits will be valid from date of issuance until revoked.

(b) Applications for permits should be made in advance of the proposed shipments, but if through no fault of the importer a shipment should arrive before a permit is received, the importation will be held in customs custody at the risk and expense of the importer for a period not exceeding 20 days pending the receipt of the permit.

(c) Applications may be made by telegraph in which case the information required above must be given.

§319.41-3 Issuance of permits.

(a) On approval by the Deputy Administrator of the

Plant Protection and Quarantine Programs of the application mentioned in §319.41-2, a permit will be issued.

(b) For broomcorn and brooms and similar articles made of broomcorn, permits will be issued by the Deputy Administrator of the Plant Protection and Quarantine Programs for such ports as may be designated therein except that permits will be issued for the entry of broomcorn originating in countries other than those in the North or South American Continents or the West Indies only through the ports of Baltimore, Boston, New York, and Norfolk, or through other northeastern ports which may from time to time be designated in the permit and at which facilities for treatment of infested material may be available, such entry to be limited to those shipments accompanied by on-board bills of lading dated within the period September 15 through February 15 of the succeeding year, both dates inclusive. Permits will not be issued for the entry of broomcorn from any source through ports on the Pacific Coast.

(c) For shelled corn and for seeds of other plants listed in §319.41 and for corn on the cob, green or mature, from the land areas designated in §319.41(b)(2), permits will be issued for ports where the Plant Protection and Quarantine Programs maintains an inspection service and for such other ports as may be designated in the permit.

¹ Except as provided in §319.41-6, the regulations in this subpart do not authorize importations through the mails.

² The entry of the following plants and plant products are prohibited or restricted by specific quarantines and other restrictive orders now in force.

(a) Living canes of sugarcane or cuttings or parts thereof, from all foreign countries. (§319.15)

(b) Seed and all other portions in the raw or unmanufactured state of Indian corn or maize (*Zea mays* L.), and the closely related plants, including all species of Teosinte (*Euchlaena*), jobs-tears (*Coix*), Polytoea, Chionachne, Sclerachne, and Trilobachne from Australia, Burma, Cambodia, China, Formosa, India, Indonesia, Japan and adjacent islands, Laos, Malaya, Manchuria, New Guinea, New Zealand, North Viet-Nam, Oceania, Pakistan, Philippines, Ryukyu Islands, Thailand, and Viet-Nam. (§319.24)

³ A quarantine is maintained by Canada to prevent spread of the European corn borer from the infested eastern areas to the still uninfested Provinces west of Ontario.

(d) Pending development of adequate treating facilities in Guam, any of the articles specified in §319.41-1 that are subject to treatment as a condition of entry therein, must first be entered and treated in accordance with the requirements of this subpart at a U.S. port of arrival where such treating facilities are available.

§319.41-4 Notice of arrival by permittee.

Immediately upon arrival of the importation at the port of arrival, the permittee shall submit, in duplicate, notice to the Plant Protection and Quarantine Programs through the U.S. Collector of Customs or in the case of Guam through the Customs officer of the Government of Guam, on forms provided for that purpose, stating the number of the permit, the date of entry, the name of ship or vessel, railroad, or other carrier, the country and locality where the articles were grown, the name of the foreign shipper, the quantity or number of bales or containers, and the marks and numbers on the bales or containers the port of arrival, and the name of the importer or broker at the port of arrival.

§319.41-5 Condition of entry.

(a) The entry of the articles covered by §319.41-1 is conditioned on their freedom from the European corn borer and other injurious insects and plant diseases, and upon their freedom from contamination with plant materials prohibited entry under other quarantines. All shipments of these articles shall be subject to inspection at the port of arrival by an inspector of the Plant Protection and Quarantine Programs in order to determine their freedom from such insects and diseases and from contaminating materials and to such sterilization, grinding, or other necessary treatment as the inspector may prescribe. Should an importation be found on inspection to be so infested or infected or contaminated that in the judgment of the inspector it cannot be made safe by sterilization or other treatment, the entire shipment may be refused entry.

(b) When entry under sterilization or other treatment is permitted, the importation will be released to the permittee for such treatment, upon the filing with the appropriate customs official of a bond in the amount of \$5,000 or in an amount equal to the invoice value if such value be less than \$5,000 with approved sureties and conditioned that the importation shall be sterilized or otherwise treated under the supervision of the inspector, that no bale or container shall be broken, opened, or removed from the port of arrival, unless and until a written notice is given to said customs official by an inspector that the importation has been properly sterilized or treated, and that the importation shall be redelivered to said customs official within 30 days after its arrival.

(c) Should a shipment requiring sterilization or other treatment under the provisions of the regulation in this subpart arrive at a port where facilities for such

sterilization or other treatment are not maintained, such shipment shall either be promptly shipped under safeguards and by routing prescribed by the inspector to an approved port where facilities for sterilization or other treatment are available or it shall be refused entry.

(d) Other conditions of entry as applying to the certain classes of articles enumerated in §319.41-1 are:

(1) *Broomcorn*. All importations of broomcorn shall be so baled as to prevent breakage and scattering in connection with the necessary handling and sterilization if in the judgment of the inspector they are not so baled, entry may be refused. All importations of broomcorn shall be subject to such sterilization or other treatment as the inspector may require.

(2) *Articles made of broomcorn*. Brooms or similar articles made of broomcorn shall be subject to sterilization unless their manufacture involves the substantial elimination of stems or such treatment of the included stems as in the judgment of the inspector shall preclude such articles from being the means of carriage of the European corn borer and of other injurious insects and plant diseases.

(3) *Shelled corn and other seeds*. If shipments of shelled corn and seeds of the other plants from countries, other than those named in §319.41-1(b)(2), are found upon inspection at the port of arrival to be appreciably fouled with cobs or other portions of the plants, the inspector may require sterilization or other treatment or may refuse entry.

§319.41-5a Administrative instructions; method used for the disinfection of imported broomcorn and broomcorn brooms.

Broomcorn and articles made of broomcorn which are required to be treated under the provisions of §319.41-5 will be treated by one of the following methods:

(a) Vacuum fumigation.

(1) The temperature of the stalks and of the fumigation chamber during the fumigation shall be not less than 60° F.

(2) The dosage for the fumigation shall be 3 pounds of liquid hydrocyanic acid or its equivalent per 1,000 cubic feet of space.

(3) The air pressure in the fumigation chamber shall be reduced to the equivalent of 2 inches of mercury (a 28-inch vacuum at sea level), after which the hydrocyanic acid shall be introduced and the low pressure held for the duration of the fumigation.

(4) The exposure shall be not less than 3 hours.

(b) Steam sterilization.

(1) The air pressure in the treating chamber shall be reduced to the equivalent of 5 inches of mercury (a 25-inch vacuum at sea level).

(2) Steam shall then be introduced until a positive pressure of 10 pounds is obtained.

(3) The exposure to the 10-pound positive pressure of steam shall continue for a period sufficient to assure a constant temperature in all parts of the treating

chamber after which the steam may be shut off and the treating chamber exhausted of the uncondensed steam.

(c) *Other treatments.* Any other treatments approved by the Deputy Administrator of the Plant Protection and Quarantine Programs in specific cases.

§319.41-6 Importations by mail.

In addition to entries by freight or express provided for in §319.41-5, importations are permitted by mail of (a) mature corn on the cob from the countries specified in §319.41-1(b)(2) and (b) clean shelled corn and clean seed of the other plants covered by §319.41: Provided that a permit has been issued for the importation; Provided further, that each shipment is accompanied from the foreign mailing point by a special mailing tag which will direct the package to a Plant Protection and Quarantine Programs inspection station for inspection in accordance with §319.41-5 before release to the mails for delivery to the importer. These special mailing tags will be furnished on request to the importer for transmission to his foreign shipper.